

**REMARKS**

In response to the Office Action of January 31, 2003, reconsideration of reexamination is respectfully requested.

Status of claims: 1-17, 38-56, 68-71 and 73-86 are pending, and 18-37, 57-67 and 72 are canceled. Support for the claim changes may be found with reference to, e.g. Figs. 5 and 6 and their associated description.

The above amendments have been filed as the submission together with a Request for Continued Examination. Accordingly, the Examiner is respectfully requested to enter the above amendments.

The Examiner required a cross reference to the child case, which cross reference has been made in the specification.

In paragraph 1 on page 2 of the Office Action, the Examiner required the original patent or a statement with respect to its loss or inaccessibility. This requirement is acknowledged, and Applicants will in due course either submit the original patent or, if it has been lost or is inaccessible, will make a statement to that effect prior to allowance of the application.

Similarly, with respect to paragraph 2 on page 2 of the Office Action, the Examiner is respectfully requested to defer the requirement for the Supplemental Reissue Oath or Declaration up until such time as all of the issues in this application have been resolved.

The Examiner further requires a written consent of all Assignees. However, this statement was filed September 14, 2000. A copy of the Consent of the Assignee is attached, furthermore.

With respect to the double patenting rejection, while Applicants do not necessarily acquiesce to the specific position taken by the Examiner with respect to the obviousness of the claims, nonetheless, a Terminal Disclaimer has now been filed to avoid these issues and simplify the prosecution of the present application. Accordingly, the rejections raised by the Examiner in section 5 on page 5 of the Office Action have been rendered moot.

The Examiner's indication that claims 1-11 and 73-86 are allowed is gratefully acknowledged. However, it is respectfully submitted that all of the claims pending in the present application are in condition for allowance, and this will be discussed below.

As an initial point, it is noted that the Examiner indicated that claim 72 was pending and rejected. However, as the Examiner correctly notes on page 2 of the Office Action, claim 72 has not been presented for examination at this time, as it has been previously canceled.

The Examiner rejected claims 12-13, 16-17, 38-47, 49-56 and 68-71 as being anticipated by Hoshizaki et al. '530 (Hoshizaki). Further, claims 14-15 and 48 were rejected as being unpatentable over Hoshizaki.

While Applicants do not acquiesce to the positions taken by the Examiner with respect to the applicability of Hoshizaki to the claims, nonetheless, the claims have been amended above in an attempt to bring the prosecution of the present reissue application to a successful conclusion.

Claim 12 has been amended to include the recitation of the polishing pressures include first polishing pressure applied to a central circular area of the workpiece, a second polishing pressure applied to a first annular area of the workpiece located outside of the central circular area, and a third polishing pressure applied to a second annular area of the workpiece located outside of the first annular area.

The Hoshizaki patent has been thoroughly discussed in previous responses. The comments with respect to the distinctions between Hoshizaki and the present invention are believed to still be applicable. Furthermore, claim 12 now recites that the application of the independently adjustable polishing pressure is to substantially concentric circular areas of the workpiece include first, second and third polishing pressures applied to a central circular area of the workpiece, a first annular area, and a second annular area outside the first annular area.

The Examiner states that Hoshizaki inherently teaches that more than two chambers are needed as required to obtain other contour patterns, citing column 14, lines 1-6. However, column 14, lines 1-6, in fact state that one skilled in the art "will recognize that other contour patterns are possible using different relative pressures in the chambers or different chambers all together. For example the flexible platen 277 may be convex when there is no pressure in the cavity 278 and less convex when there is a vacuum in cavity 278." (Underline added.) This portion of Hoshizaki provides no support whatsoever for the Examiner's position.

More specifically, the reference simply refers to "different chambers altogether." It does not state that there is a different number of chambers. The only example refers to the relative convexity of platen 277. Thus there is no support for the Examiner's position.

Accordingly, it is readily seen that Hoshizaki clearly fails to disclose the invention as set forth in claim 12.

It should be noted that the Examiner's consideration of Hoshizaki as "inherently" having more than two chambers is improper. For something to be considered inherent, it must flow as a natural consequence of the reference. However, "different chambers" does not mean a different number of chambers. Thus it does not flow as a natural consequence. It is respectfully submitted that it is not even an obvious consequence, because it seems clear from the language that "different chambers altogether" means a different type of chamber. There is no consideration of the number of chambers whatsoever in the reference, and no suggestion of such to one of skill in the art.

Thus it is respectfully submitted to be clear that claim 12 and its dependent claims are neither anticipated nor rendered obvious from Hoshizaki.

Each of independent claims 38, 49, 68, 70 and 71 has been amended to reflect that the presser ring is pressed against the polishing surface under a pressing force which is variable. The Examiner cites presser ring 291, which may be seen from Figure 11 of Hoshizaki. This ring, referred to as a wear ring in Hoshizaki, is part of a retention ring 282. However, the pressing force by which the presser ring is pressed against the polishing surface is not a pressing force which is variable. Accordingly, Hoshizaki clearly neither discloses nor suggests claim 38.

Limitations similar to those of claim 38 have been included in claims 49, 68, 70 and 71. Accordingly, each of these claims patentably distinguishes over Hoshizaki for the same reason.

Claim 45 has been amended to recite features of allowed claim 73, and should be allowable for the same reason.

Accordingly, it may readily be seen that all of the claims now pending in the present application clearly patentably distinguish over Hoshizaki. Indication of such is respectfully requested.

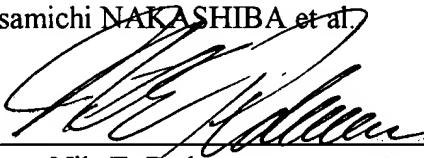
While all of the points and arguments raised by the Examiner may not have been specifically addressed above, Applicants reserve all of their rights to traverse and argue against the various

positions taken by the Examiner. It is noted that the comments provided previously in earlier responses regarding the Hoshizaki patent remain applicable.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact Applicants' undersigned representative.

Respectfully submitted,

Masamichi NAKASHIBA et al.

By: 

Nils E. Pedersen

Registration No. 33,145

Attorney for Applicants

NEP/krl  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
July 31, 2003

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975